

Michelle D. Mitchell, Esq. (SEN 221841)  
LAW OFFICES OF MICHELLE D. MITCHELL  
501 West Broadway, Ste. A-276  
San Diego, CA 92101  
Telephone: (619) 684-1547  
Facsimile: (619) 694-4686

Roberta Jacobs-Meadway, Esq. (*pro hac vice*)  
ECKERT SEAMANS CHERIN & MELLOTT, LLC  
Two Liberty Place  
50 South 16<sup>th</sup> St. 22<sup>nd</sup> Floor  
Philadelphia, PA 19102  
Telephone: (215) 851-8522  
Facsimile: (215) 851-8383  
E-mail: rjacobsmeadway@eckertseamans.com

Attorneys for Defendants, Spencer Gifts, LLC, Spencer Gifts Holding, LLC, and Spencer Gifts Online, LLC.

IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

TUNI & G, a California General Partnership,  
Plaintiff,

vs.

SPENCER GIFTS, LLC, a Delaware Limited  
Liability Company; et al.,  
Defendants.

SPENCER GIFTS, LLC, a Delaware Limited  
Liability Company; et al.,

Counter-Claimants,

TUNI & G, a California General Partnership,  
et al.,

Counter-Defendants.

Case No.: 08-CV-0410-BMT (JMA)  
The Honorable Jan M. Adler  
United States Magistrate Judge  
Courtroom 1165

**JOINT MOTION FOR DISMISSAL WITH  
PREJUDICE**

IT IS HEREBY STIPULATED by and between the parties, through their attorneys of  
record, that:

1. Plaintiff TUNI & G, a California General Partnership, hereby dismisses its Complaint against Defendants Spencer Gifts, LLC, a Delaware Limited Liability Company, Spencer Gifts Holding, LLC, a Delaware Limited Liability Company and Spencer Gifts Online, LLC, a Delaware Limited Liability Company, with prejudice.
2. Counter-Claimants Spencer Gifts, LLC, a Delaware Limited Liability Company, Spencer Gifts Holding, LLC, a Delaware Limited Liability Company and Spencer Gifts Online, LLC, a Delaware Limited Liability Company hereby dismiss their Counterclaim against Counter-Defendants, with prejudice.
3. All parties shall bear their own attorney's fees and costs.
4. This court shall retain jurisdiction in order to enforce the settlement and release agreement between the parties.

Dated: July 29, 2008

LAW OFFICES OF MICHELLE D. MITCHELL

By: 

MICHELLE D. MITCHELL  
Attorneys for Defendants and Counter-Claimants.

Dated: July 31, 2008

ECKERT SEAMANS CHERIN & MELLOTT, LLC

By: 

ROBERTA JACOBS-MEADWAY  
Attorneys for Defendants and Counter-Claimants.

Dated: July 31, 2008

THE LAW OFFICE OF MATTHEW A. BECKER, PC

By: 

MATTHEW A. BECKER  
Attorneys for Plaintiff and Counter-Defendants.